

**BOARD AGENDA ITEM**

**March 28, 2023**

***SUBJECT:***

Revision of the following policy:

Policy GCLE Unencumbered Time, Second Reading

***BACKGROUND INFORMATION:***

Policy GCLE Unencumbered Time, in accordance with S.C. Code Section 59-5-63, meets the requirement that the “District will require the principal of each elementary school to provide at least 30 minutes of unencumbered time on each regular school day to all full-time teachers teaching in grades kindergarten through fifth grade; and require the principal of each elementary, middle or high school, to provide at least 30 minutes of unencumbered time on each regular school day to any full-time teacher who is responsible for instructing a special education class for more than 20 percent of the school day with students who are removed from the general education setting.”

***ADMINISTRATIVE CONSIDERATION:***

Administration recommends the approval of GCLE Unencumbered Time as required in accordance with S.C. Code Section 59-5-63.

***RECOMMENDATION:***

Approve the following policy:

Policy GCLE Unencumbered Time, Second Reading

***ATTACHMENTS:***

Policy GCLE Unencumbered Time

***PREPARED BY:***

Dr. Amy Edwards  
Berkeley Postell  
Dr. Salvatore Minolfo

## UNENCUMBERED TIME

Code **GCLE** Issued **3/23**

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In accordance with S.C. Code Section 59-5-63, the District will require the principal of each elementary school to provide at least 30 minutes of unencumbered time on each regular school day to all full-time teachers teaching in grades kindergarten through fifth grade; and require the principal of each elementary, middle or high school, to provide at least 30 minutes of unencumbered time on each regular school day to any full-time teacher who is responsible for instructing a special education class for more than 20 percent of the school day with students who are removed from the general education setting.

### **Procedure on how to implement unencumbered time.**

Unencumbered time is defined as 30 minutes during the regular school day where teachers are afforded time that is self-directed without assigned duties or responsibilities, including direct instruction or supervision of students.

The placement of unencumbered time within the regular school day is flexible based on the staffing and scheduling needs of each school.

The unencumbered 30 minutes must not include parent/teacher conferences, bus duty, IEP and 504 meetings, team meetings, or professional development activities that are not self-directed. Also, the unencumbered time must not include managing or supervising the transition of students to and from activities, classes, lunch, recess, or any other activities.

The provision of 30 minutes of unencumbered time must not be achieved by expanding the expected work hours for teachers before or after the school day.

Leadership may only withhold or reduce a teacher's unencumbered time in a given school day as a result of extreme or unavoidable circumstances. Such circumstances could include, but are not limited to, an emergency drill or an insufficient number of staff and substitute teachers to maintain instruction in the school. Additional compensation may not be offered in place of unencumbered time, except as provided by Section 59-5-63(A)(2)(c).

The intentional failure of the school's principal to provide eligible teachers with 30 minutes of unencumbered time may result in appropriate action under the District's disciplinary policy and may be sufficient cause for the suspension or revocation of such person's educator certificate pursuant to Section 59-25-160.

The intentional failure of the local school board to provide eligible teachers with the required 30 minutes of unencumbered time may subject the Board to any penalties prescribed by law.

Adopted 3/28/23

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Legal References:

- A. S.C. Code of Laws, 1976, as amended:

1. Section 59-5-63 - Unencumbered time requirement; policies; school district adoptions.
2. Section 59-25-160 - Revocation or suspension of certificate; "just cause" defined.